

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 16-1424 MV

vs.

MARC DUTCH,

Defendant.

**DEFENDANT’S AMENDED UNOPPOSED MOTION FOR RELEASE FROM
ELECTRONIC MONITORING AND CURFEW**

COMES NOW the Defendant, Marc Dutch (by and through his counsel of record Brian Pori) and without opposition from Assistant United States Attorney Paige Mesic, counsel of record for the United States, to respectfully request that this Honorable Court enter an Order allowing him to have his location monitoring device removed and that he continue on supervised release without any further electronic location monitoring or a curfew. In support of this Unopposed Motion, counsel for Mr. Dutch states:

1. Mr. Dutch continues to serve the sentence imposed by this Honorable Court on October 21, 2019 (Doc. 73) and, in accord with that sentence, he has been released on the condition that he submit to electronic monitoring, wear a location monitoring device and abide by a curfew imposed by the United States Probation and Pre-Trial Services Office. (Doc. 93.)

2. On June 14, 2022, Mr. Dutch filed an Opposed Motion to have the location monitoring device removed and to be released from electronic monitoring and a curfew. (Doc. 100.)

3. On July 20, 2022, the United States filed its Response to Mr. Dutch's Sentencing Memorandum and acknowledged that there has been an intervening change in the law which relieves this Honorable Court of the obligation to follow the mandate of the United States Court of Appeals for the Tenth Circuit to impose a sentence under the Armed Career Criminal Act. (Doc. 102.)

4. Given the Government's fair decision not to pursue sentencing under the Armed Career Criminal Act, Mr. Dutch respectfully requests that, pending re-sentencing before this Honorable Court, he be allowed to continue on supervised release under the standard terms and conditions which he has previously accepted, without the additional requirements of electronic, location monitoring and a curfew.

5. Mr. Dutch respectfully submits that the requirements that he submit to electronic monitoring and a curfew are now no longer necessary to protect the public, promote his rehabilitation or further the interests of justice. Instead Mr. Dutch submits that his continued success as an I.B.E.W apprentice electrician and his performance under supervision for the last year demonstrate the depth of his commitment to this Honorable Court and to his own life and eliminate any further need for him to submit to electronic monitoring and a curfew in order to protect the public or to promote Mr. Dutch's

rehabilitation.

6. Assistant United States Attorney Paige Messic, counsel of record for the United States, has been informed of this Motion to Remove Mr. Dutch from electronic monitoring and Ms. Messic reports that the Government does not oppose the Motion.

WHEREFORE, for all of the foregoing reasons, Defendant Marc Dutch respectfully requests that this Honorable Court remove the conditions of his supervised release which requires him to submit to electronic monitoring and a curfew, and direct the United States Probation and Pre-Trial Services Office to remove Mr. Dutch's GPS location monitoring device with the understanding that all of the other, enumerated conditions of his supervised release will remain in full force and effect.

Respectfully submitted,

/s Brian A. Pori 7/21/22

Brian A. Pori
204 Bryn Mawr NE
Albuquerque, NM 87106
(505) 206-6289

Counsel for Defendant Marc Dutch

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July 2022 I filed the foregoing Unopposed Amended Motion through the District Court CM/ECF electronic filing program which caused a copy of the pleading to be electronically delivered to counsel for the United States addressed as follows:

Paige Messec, Esq.
United States Attorney's Office
P.O. Box 607
Albuquerque, NM 87103

/s Brian A. Pori 7/21/22
Brian A. Pori